

# COURT DECLINES TO HALT CITY IN SEWER CONTRACT

### Injunction Denied Terwilliger Land Co.'s Agent, Who Alleged Violation of Terms Agreed Upon for Work.

Presiding Judge Gantenbein of the circuit court this morning ruled in favor of the city and the Oregon Hasam Paving company in passing upon the case brought by the Terwilliger Land company to tie up the \$800,000 worth of street improvements now under contract by the paving concern. The land company asked that the city proceedings in letting the contracts be declared void, and the work now under progress, and soon to be taken up, be stopped. The decision was a demurrer of the city and paving company to the complaint filed by the land company.

The judge held that no emergency justifying an injunction appeared on the face of the complaint. He further said: "An injunction should not be issued when the result of such action will cause vast inconvenience to the public. This suit is an attempt on the part of the plaintiff to tie up \$800,000 worth of public improvements, which are a public necessity."

### Streets Torn Up.

It is alleged that the Oregon Hasam Paving company is proceeding with these improvements. This means that the streets are torn up, are rendered impassable, and the public travel is excluded therefrom; that the abutting property owners are impeded in going to and from their property, and that they are subjected to all the annoyances and discomforts of public improvements carried on upon a large scale.

If the rights to an injunction were hard and fast and not dependent upon the discretion of the court, a different situation would be presented; but it is discretionary with the court whether or not the writ shall issue, and in exercising this discretion the courts have been guided by a consideration of the inconvenience to the public which may result from the issuance of such writ, especially where the plaintiff's right is at best vague, shadowy and questionable. In such cases, all doubt has been resolved in favor of the public.

An injunction against the completion of this work under progress would tend to the injury of the public in the use of a highway and the damage probably resulting therefrom far beyond any inconvenience which the plaintiff may suffer by being denied an equitable remedy.

### Plaintiff's Fears.

"Under the existing laws of the city, the general funds of the city cannot be made available to defray the cost of the improvements in the suit. The warrants for the work are payable out of a special fund to be raised by the assessment against the property benefited.

"The questions of law raised by this demurrer are comparatively simple of solution. Plaintiff has no standing in this court as a taxpayer to maintain this suit, for the reason that its taxes can be increased, if at all, only upon the happening of contingencies which are remote, speculative and conjectural. None of the evils that plaintiff fears may ever come to pass, and the mere fact that evil results may be conceivable at some remote and uncertain time be born of the proceedings alleged in the complaint, it is not sufficient to entitle the plaintiff to an injunction."

The suit was brought by Attorney A. E. Clark in behalf of the Terwilliger Land company. It was a direct attack upon the system now in vogue by the city, whereby the plans and specifications for paving specify only one kind of paving. Some have called this a "paving trust" scheme, but the plans for any particular street specified the kind of paving, and since there is only one company in the city that does particular paving, there would be no competition.

### HEAVY FROST DOES GREAT DAMAGE TO SNAKE RIVER FRUIT

(Continued From Page One.)

As the clouds have all rolled away and the temperature has risen but slightly. The thermometer dropped last night to 26, which is three degrees below danger point. The smudge pots were brought into service and the temperature raised.

### Dressing Your Hair For Grand Opera

(Annie Bly in N. Y. Graphic.)

"After studying the gowns and noting the jewels I gave my attention to a comparison of the different coiffures. I have heard so much about dry shampooing being all the rage this season that I wondered if there would be any difference in the styles of dressing the hair by the grand ladies whose beauty adds so much to the attraction of grand opera for everybody.

"A dry shampoo once a week keeps the scalp soft and pliable and the hair fresh, clean and beautifully lustrous. A little of the powder can be dusted on the hair and thoroughly brushed out whenever an especially elaborate coiffure is desired. The powder is a simple mixture of 4 ounces of orris root and 4 ounces of starch.

"One realizes why dry shampooing is so popular when one considers that too much moisture makes the hair dull, coarse and faded looking, and the long hours of waiting for the hair to dry are avoided."

### WASH THAT ITCH AWAY

It is said there are certain springs in Europe that give relief and cure to Eczema and other skin diseases. If you knew that by washing in these waters you could be relieved from that awful itch, wouldn't you make every effort to take a trip to Europe at once. Would you not be willing to spend your last cent to find the cure?

But you need not leave home for these distant springs. Relief is right here in your own home town!

A simple wash of Oil of Wintergreen, Thymol and other ingredients as compounded only in D. D. D. Prescription will bring instant relief to that terrible burning itch and leave the skin as smooth and healthy as that of a child.

Best possible wash for pimples and all skin impurities.

In all of the orchards from seven to 10 degrees, thus eliminating all danger. Professor P. J. O'Gara has been in continuous service for the past 12 hours, spending the days rushing about the valley in consultation with orchard men and the nights keeping a close watch on the weather.

### BOISE-PAYETTE PEACH AND APRICOT BLOSSOMS HURT; OTHER CROPS OK

(Special Dispatch to The Journal.) Boise, Idaho, April 12.—Smudge pots were kept burning in the peach and apricot orchards of southern Idaho last night in an effort to save the early fruit from the killing frost which occurred. Heavy damage was done these fruits, but the weather bureau reports that apple, pear and prune blossoms were not far enough advanced to suffer material injury. As these are the chief crops of the Boise and Payette valleys, the fruit growers will not suffer nearly so heavily as if the frost had come a week or two later.

### LIVELY WIND PREVENTS DAMAGE AT HOOD RIVER

(Special Dispatch to The Journal.) Hood River, Or., April 12.—No damage was done by frost in Hood River last night. A good wind prevailed that prevented damage. Considerable excitement was caused yesterday when several fruit growers of the valley came rushing into the city and made search for smudge pots to place in their orchards. These growers were newcomers and had arrived from sections where it was customary to use smudges. The weather indications were for a cold night here. When making the rounds in search for the pots they were informed by the merchants that such articles were not kept in stock in Hood River and returned home in good spirits.

### GRAND RONDE CLAIMS NO DAMAGE UP TO DATE

(Special Dispatch to The Journal.) La Grande, Or., April 12.—Very slight damage has been done apricots in this valley during the continued frosty nights this week, but apple orchards are unhurt. It is hard to imagine frost at this time of sufficient force materially to injure apples. Cherries are liable to slight injury if the frosts continue, but up to date no damage has been done. This is the opinion of fruitmen in all the fruit belts of the Grand Ronde valley, secured by a careful canvass.

### EARLY WASCO VARIETIES SUFFER SLIGHT INJURY

(Special Dispatch to The Journal.) The Dalles, Or., April 12.—Frost last night did slight damage to fruit, especially the early varieties that were far enough advanced to be out of the "boot," but fruit that had not shed the blossom is not injured. While the cold weather of the past few days has damaged fruit more or less throughout this entire section, it is not thought the damage will exceed fifteen per cent.

### 28 DEGREES AT EUGENE CAUSES APPREHENSION

(Special Dispatch to The Journal.) Eugene, Or., April 12.—The temperature went as low as 28 degrees last night, and some damage was done to fruit, but how much is not yet ascertained. Many growers in this vicinity use smudge pots and their loss is not great.

### Buds Were Far Advanced.

Frosts were general throughout the Pacific northwest last night and this morning and severe damage was done the fruit crop in many places in the three states.

### Snow Stops Some Logging Camps.

(Special Dispatch to The Journal.) Aberdeen, Wash., April 12.—A number of logging camps have been compelled to shut down temporarily on account of the snow, which fell this week, Monday, Tuesday and Wednesday mornings, to the depth of one and two inches on the harbor. Farther inland it was much deeper, there being a fall of six or eight inches, interfering materially with operations. Farmers think not much if any damage has been done fruit and vegetation and that the snow will be more of a benefit than otherwise.

### Raisin Crop Imperiled, Too.

(United Press Leased Wire.) Fresno, Cal., April 12.—Raisin growers fear today that the heavy frost of last night has damaged vineyards to the extent of thousands of dollars. It will be impossible to determine the exact loss until tomorrow.

### LOWIT KILLS SELF WHILE IN CUSTODY OF DENVER POLICE

(Continued From Page One.) to the Ernest & Grammer building for identification in the custody of two detectives.

### LOWIT WAS INVOLVED WITH W. COOPER MORRIS IN OREGON TRUST CASE

Gus Lowit was well known at Portland as the proprietor of the Golden Eagle department store, and it was through this establishment that he became involved with W. Cooper Morris in the alleged mutilation of \$125,000 worth of notes, which has been given the Oregon Trust & Savings bank by Lowit.

Lowit was indicted with W. Cooper Morris and W. H. Moore, cashier and president of the Oregon Trust & Savings bank. The charge against Moore was dismissed, the judge presiding pleading guilty to wrecking the bank. He paid a fine of \$1000. Lowit pleaded not guilty to the charge of mutilating the notes and was released on \$10,000 bonds. He was never tried.

Trust & Savings bank, and Lowit went to Denver.

Lowit came to Portland in the early 90's. He opened a store on Third street, between Morrison and Yamhill, naming it "London's." Later he added more stock and then called the establishment "London's Department Store." In the meantime he had established one or two small clothing houses in the north end where he sold a cheaper grade of merchandise. For a time he prospered. Then in 1904 he leased a larger store and established the "Golden Eagle Department Store."

### LANE WITHDRAWS FROM

(Continued From Page One.) do more in bringing about legislation.

"Under the charter the mayor does not govern. He is charged with responsibility, but he does not even appoint the chief of police. The only officer he does appoint is the city engineer, and the city pays such a small salary that the best men cannot be secured. The city probably loses half a million dollars a year because of this mistake in failing to provide a proper salary for the engineer.

"I believe I would receive a large vote if I were a candidate. I feel sure I could win. But after winning—that is where the difficulty begins. The council could pass measures over the veto, leaving the mayor powerless. I could antagonize the council and become the target for bitter attacks, but without a change in the charter would accomplish nothing.

### "Give Mayor More Power."

"Elect a good council? Well, the city pays the councilmen \$25 per month. If they devoted the time they should to the business of the city they would vote if I were a day. What is the result? They are busy men, and they must neglect their own business or neglect the city's business. We reap the natural result of inefficient administration.

"Radical changes should be made in the charter to give the mayor real power. Give him responsibility, and let him be held to it. Eliminate the cumbersome methods of procedure in street improvement that consume so much time in the council and let the work be done in one department, where it can be done quickly, and where responsibility can be fixed."

Dr. Lane is preparing a formal statement to be given out later, defining in detail his reasons for declining to be a candidate. He says he may deliver a few addresses during the campaign, not in the interest of candidates, but to make clear the changes that are needed in city administration to make it effective.

### Action Is a Surprise.

Dr. Lane's withdrawal reduces the Democratic list for mayor to one—George H. Thomas—with no likelihood that others will come into the field. Great surprise was expressed in political circles today over Dr. Lane's withdrawal, and this sudden change in the situation tends to complicate rather than clear the minds of the prophets.

Friends of Gay Lombard and G. R. Roushlight, Republican candidates for the nomination, claim the action of Lane will strengthen their men in the event they win at the primaries, on the theory that a large part of the Republican strength which would have gone to Lane can be held in line for either Lombard or Roushlight.

# ELECTION BLOW TO GOVERNMENT

### Prosecution of Chicago Packers Weakened by Naming of Kenyon as Senator.

(United Press Leased Wire.) Washington, April 12.—It is believed here today that the election of William S. Kenyon, first assistant attorney general, as United States senator from Iowa will prove a heavy blow to the government in the prosecution of the Chicago packers for conspiracy under the Sherman anti-trust law.

Attorney General Wickersham announced today that Kenyon would defer qualifying as senator until the change could be effected without injury to the work of the department of justice.

### FOUR MEN PLACED IN JAIL

(Continued From Page One.)

spirators, the arrest of "men higher up" will follow.

The scheme for which these men will be obliged to answer to the charges of perjury was to go to a person contemplating the circulation of a petition and contract to furnish a certain number of names for a stipulated amount. The plan, which was an unprofitable one should legitimate names have been solicited, was expedited by a private assembly of the conspirators. By means of a voting list they solicited various names of voters, and then each man would sign a certain number of names, one after another.

In view of the fact that the men behind the investigation are expecting to involve prominent men in the conspiracy, for which it is not unlikely that arrests will be made in a short time, District Attorney Cameron, who issued the complaints for the men under arrest, refuses to divulge the names of the men behind the investigation and the name of the detective.

### Easter Presents.

Gentlemen, if you purchase your spring suit from Jimmy Dunn you can buy your wife or sweetheart an Easter present with the money you save. No big profits tacked on for high rent at Jimmy's store in the air. Take elevator to room 315 Oregonian bldg.

Journal Want Ads bring results.

Foley Kidney Pills contain in concentrated form ingredients of established therapeutic value for the prompt alleviation of all kidney and bladder ailments. Foley Kidney Pills are antiseptic, tonic and restorative. Do not allow your kidney trouble to progress beyond the reach of medicine, but start taking Foley Kidney Pills once before substitutes. Skidmore, two stores, main store 151 Third st., branch store Morrison and West Park sts. Woodward, Clarke Drug Co.



# EASTER DISPLAY

## of Men's Haberdashery



Manhattan Shirts, the A. B. S. & Co. special kind, are the best shirts made; they fit; the style and colorings are right. \$1.50 to \$4.00.

Cluett and E. & W. Shirts, in all the newest Spring colorings and patterns; some with two detached collars to match. \$1.50 and \$2.00.

Men's Spring Underwear, union and two-piece garments—you'll find here the best-selected assortment in Portland. Fine lises, silk and lises, pure wool, balbriggan, Jersey ribs and fancy lace; the best imported and domestic makes represented. Priced from 50c to \$3.50.

# HOLEPROOF HOSE

We are exclusive Portland agents for these genuine and original guaranteed Hosiery for men, women and children.

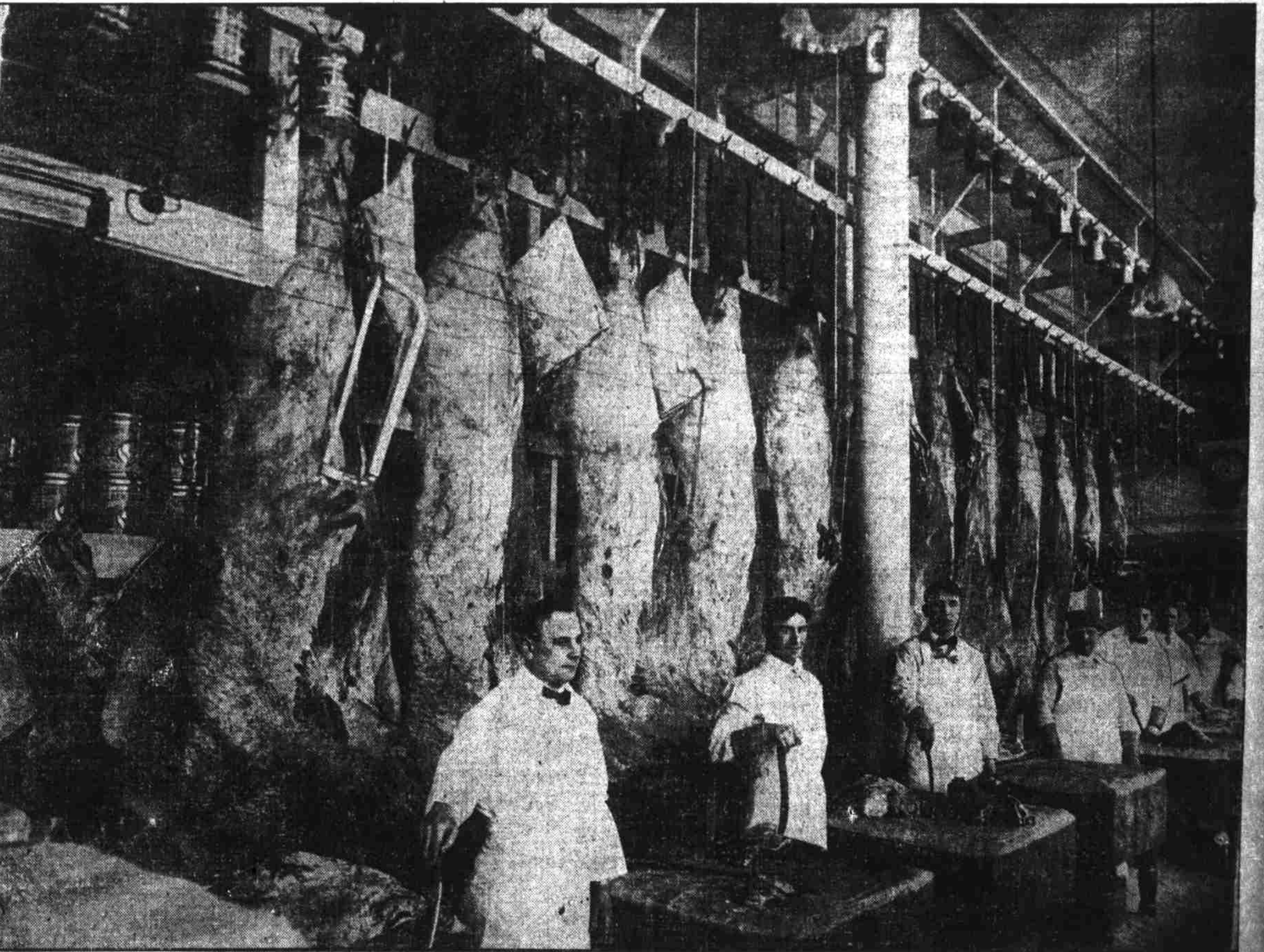
Holeproof Hose have many imitations, but thirty-two years of KNOWING HOW have made Holeproof Hosiery what they are—the acme of Hose Perfection.

### Wear the Genuine They Cost No More

Men's Holeproof Hose, box of six pairs .....\$1.50, \$2.00 and \$3.00  
Women's Holeproof Hose, box of six pairs .....\$2.00 and \$3.00  
Children's Holeproof Hose, box of six pairs .....\$2.00

GUARANTEED TO WEAR SIX MONTHS.

Men's and Women's Pure Silk Holeproof, three pairs guaranteed three months.



### Display of Delicious Prize-Winning Beef at William Constantine's Alder Market

The Alder Market, corner First and Alder streets, has by far the finest display of dressed cattle ever seen in a Portland market. Mr. Constantine bought several handsome prize-winners at the recent Livestock Show and reserved them especially for the Easter trade. They are now dressed, as the above photograph shows, and will be ready for sale commencing tomorrow morning. Judging from the interest taken in these cattle, which were on

exhibition at this market for several days prior to being dressed, there will no doubt be a strong demand for this beef tomorrow when it goes on sale for the first time. Mr. Constantine says that it has always been his policy to sell nothing but the best, and he is proud to state that, judging from the way his business is increasing month by month, it is quite evident that there is a class of people who appreciate this kind of a market.